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July 16, 2021

Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Virgil Griffith*,  
20 Cr. 015 (PKC)**

Dear Judge Castel:

We write to supplement the opposition filed earlier today to the government's July 9, 2021 letter motion requesting to revoke Mr. Griffith's bond. (*See* Dkt. Nos. 119 and 121.) Within an hour of the defense's filing today, the government produced new discovery, including certain Coinbase records related to the government's remand request. The defense does not know if the government's Coinbase production is complete, but we write to the Court out of concern that the government's letter motion omitted critical information that could give a misleading impression of the facts.

The government claimed that Mr. Griffith stated in an electronic message to Coinbase:

I presume my account was restricted due to the pending litigation against me. My lawyers now tell me that it is permitted for me to access my cryptocurrency on [the Exchange] . . . Related: I'm going to need the 2FA [two-factor authentication] removed as the FBI took my devices away.

(Dkt. No. 119 at 1.) The ellipses, however, paint an inaccurate picture of that communication that undermines the government's motion. Specifically, the ellipses omit language that expressly alerted Coinbase to the fact that Mr. Griffith's attorney was involved and was available to facilitate the account inquiry. The full message states:

I presume my account was restricted due to the pending litigation against me. My lawyers now tell me that it is permitted for me to access my cryptocurrency on coinbase. *If you'd like you can speak to her, Keri Axel, at kaxel@waymakerlaw.com.* You can also reach me at [email

address] or via phone [telephone number]. Related: I'm going to need the 2FA [two-factor authentication] removed as the FBI took my devices away.

(USAO\_009037 (Emphasis added).)

The defense respectfully submits that the government's exclusion of the italicized language was deceptive because the elided information plainly contradicts the government's claim that the Coinbase account bore on risk of flight. The full communication shows the intent was to expressly alert Coinbase that there was a pending criminal case and that defense counsel was available to discuss the issue with Coinbase. By alerting Coinbase to the status of his case and providing contact information for his counsel, Mr. Griffith did not seek to hide the fact of this case or shirk any court order. As noted in the defense opposition, the undersigned counsel, of course, would have sought to effect access to Mr. Griffith's funds in a way that complied with the pretrial release conditions (and did so once contacted by Coinbase).

After receiving and reviewing this belated government production, which—in what can hardly be a coincidence—came in after the defense filed its opposition brief, the defense promptly asked the government to produce any remaining records by close of business today. The government did not respond.

While the defense regrets any misunderstandings that may have occurred here, this communication, which the government attempted to put before the Court without the full and proper context, only provides further support that there is no connection between this issue and flight risk, and Mr. Griffith should not be remanded.

Respectfully yours,



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